

# Annual Index of Defense Counsel Journal: Volume 64 (1996)

This index covers the four issues of *Defense Counsel Journal* published in 1997—Volume 64, issues dated January 1997, April 1997, July 1997 and October 1997. All references are by month of issue and page number in Volume 64.

*Defense Counsel Journal* was published under the title *Insurance Counsel Journal* from 1934 (Volume 1) through 1986 (Volume 53) by the International Association of Insurance Counsel. The name of the organization was changed effective in 1987 to International Association of Defense Counsel and the name of the publication to *Defense Counsel Journal*. There was no change in the volume numbering system.

General and cumulative indexes have been published as follows:

Yearbooks, 1928-33, and Volumes 1-26 (1934-1959);  
Volumes 27-31 (1960-1964);  
Volumes 32-36 (1965-1969);  
Volumes 37-42 (1970-1975);  
Volumes 43-47 (1976-1980);  
Volumes 48-57 (1981-1990); and  
Volumes 58-62 (1991-1995).

All except the last of these cumulative indexes are out of print, but some of all of them may be available at some libraries or law firms. Annual indexes, such as this one, will be found in the last pages of the October issue each year.

## SUBJECT MATTER

### Air and Space Law

Choice of law for damages (survey); July, 421.

Unlimited Liability: The New Ball Game in International Transportation by Air (Desmond T. Barry Jr. and Thomas J. Whalen); July, 381.

### Arbitration

Redefining Public Policy in International

Arbitration of Mandatory National Laws (Kenneth-Michael Curtin); April, 271.

A New Way to Go: Arbitration of Legal Malpractice Claims (Joseph P. McMonigle and Thomas Weathers); July, 409.

### Book Shelf, The (Department)

January, 144; April, 301; July, 454.

### Class Actions

Back to the Future? Product Liability Class Actions and Proposed Rule 23 Changes (Ian Gallacher, Bruce R. Parker and Donald I. DeVries); April, 195.

Bellwether trial plans (survey); July, 418. In the Wake of Kamilewicz: A Claim of Predatory Class Counsel Fees (James T. Ferrini and Michael R. Grimm Sr.); October, 581.

Mass Tort Class Actions: Is the Tide Turning? (Eric Watt Wiechmann, Rosanne C. Baxter and John P. McKinney); January, 67.

### Conning the IADC Newsletters (Department)

July, 463; October, 630.

### Current Decisions (Department)

January, 148; April, 303; July, 455; October,

### Damages

Riding the Choppy Waters of East River: Economic Loss Doctrine Ten Years Later (Reeder R. Fox and Patrick J. Loftus); April, 260.

Unlimited Liability: The New Ball Game in International Transportation by Air (Desmond T. Barry Jr. and Thomas J. Whalen); July, 381.

### Defense Counsel Trial Academy

January, 7; April, 191.



**Defense News (Department)**

January, 17; July, 345; October, 498.

**Employment Law**

Age Discrimination Litigation: RIFs, Statistics and Stray Remarks (Richard C. Mariani and Kimberly E. Robertson); January, 88.

"Reasonable Accommodation" under the ADA: Employers' Duties and Defenses (Barbara C. Neff); January, 110.

**Ethics and Professionalism (Department)**

January, 138; April, 295; July, 447; October, 617.

**Evidence**

Assessing Admissibility of Nonscientific Expert Evidence under Federal Evidence Rule 702 (Peter B. Oh); October, —.

**Fidelity and Surety Law**

Annual Survey of Fidelity and Surety Law, 1996—Part I; January 121; Part II; July, 424.

**Health Care Law**

Anesthesia Practice: Avoiding Legal Liability (George Gore and Janet H. Smith); April, 235.

A Potent Weapon: Federal Peer Review Immunity under HCQIA (Michael J. Baxter); July, 364.

Emerging Physician and Organization Liabilities under Managed Care (John R. Penhallegon); July, 347.

Medtronic V. Lohr: Is There a Future for Preemption in Medical Device Cases? (Quentin F. Urquhart Jr. and Robert E. Durgin); January, 45.

New Deep Pocket: Managed Care Entity Liability for Alleged Improper denial of Access (Wm T. Robinson III); July, 357.

**Insurance Law (Bad Faith)**

Bad Faith Claims: The Role of the Expert (Timothy J. Muldowney and Robert A. Zupkus); April, 226.

**Insurance Law (Coverage)**

Advertising injury (survey); July, 419.

Potential Discovery Abuses in Insurance Coverage Litigation (Jean O'Hare); April, 285.

**Insurance Law (General)**

Fraud and Its Effects on the Insurance Industry (Edward L. Schrenk and Jonathon B. Palmquist); January, 23.

Legal Issues in Electronic Commerce in the Insurance and Reinsurance Industry (Paul M. Hummer); April, 246.

Risk Identification, Management and Transfer for Cyberspace Businesses (Daniel J. Langin); January, 78.

**International Association of Defense Counsel**

By-Laws Amendments; April, 177.

Foundation of; January, 8; April, 186; July, 340; October, 492.

1997 Annual Meeting; January, 12; April, 188, 189.

1997 Legal Writing Contest; January 13.

Tenets of Professionalism; January, 16; April, 194; July, 343; October, 497.

25th Annual Defense Counsel Trial Academy; April, 191.

**Internet**

Jurisdiction and cybertorts (survey); July, 416.

**Mail Bag, The (Department)**

October, 495.

**Practice and Procedure**

A Practical Guide to the Ins and Outs of Multidistrict Litigation (Desmnond T. Barry Jr.); January, 58.

Boomer Revisited: Using Experimental and Partial Injunctions in Private Nuisance Actions (Ezra M. Holczer); January, 99.

Dealing with Accountants and Auditors: Avoiding Sanctions in Complex Cases (Gita F. Rothschild and Keith McKenna); July, 401.

**Discoverability of Document Management Systems: Pitfalls and How to Avoid Them** (Mary Nold Larimore and Gary C. Messplay); July, 369.

**Mass Tort Class Actions: Is the Tide Turning?** (Eric Watt Wiechmann, Rosanne C. Baxter and John P. McKinney); January, 67.

**Potential Discovery Abuses in Insurance Coverage Litigation** (Jean O'Hare); April, 285.

**Using Case Law and Strategies to Defend Family and Medical Leave Act Claims** (Rebecca J. Wilson and William V. Hoch); October, 534.

#### **President's Page (Department)**

January, 5, April, 175; July, 337, October 489.

#### **Professional Liability**

**A New Way to Go: Arbitration of Legal Malpractice Claims** (Joseph P. McMinnig and Thomas Weathers); July, 409.

**Dealing with Accountants and Auditors: Avoiding Sanctions in Complex Cases** (Gita F. Rothschild and Keith McKenna); July, 401.

**Defending Design Professionals: Is Contract Language an Adequate Shield?** (Gary E. Snodgrass and William S. Thomas); July, 389.

#### **Products Liability**

**Back to the Future? Product Liability Class Actions and Proposed Rule 23 Changes** (Ian Gallacher, Bruce R. Parker and Donald L. DeVries); April, 195

#### **Racketeer Influenced and Corrupt Organizations Act (RICO)**

**Civil and Criminal RICO: An Overview of the Statute and Its Operation** (G. Robert Blakey and John Robert Blakey); January, 36.

#### **Reviewing the Law Reviews (Department)**

January, 162; April, 322; July, 474; October, 644.

#### **Torts**

**An Imminent, Unidentifiable Victim: Does HIV Require a Duty to Warn?** (Janet Hollins); April, 214.

**Constitutional torts (survey)**; July, 414.

**Increasing Fear of Future Injury Claims: When Speculation Carries the Day** (Janet H. Smith); October, 547.

**Liability of Professionals to Non-clients: An Expanding and Tangling Web** (Richard E. Fagerberg and Jay B. Brown); October, 597.

**Liability of Stockbrokers: Claims for Churning and Unsuitability** (Michael D. Gallagher and Gregory S. Capps); October, 589.

**Restatement Third, Torts: Products Liability: What Hath the ALI Wrought?** (James A. Henderson Jr., Donald Patterson, Harvey L. Kaplan and Shiela L. Birnbaum); October, 501.

**The Case for Across-the-board Application of the Loss-of-chance Doctrine** (Jonathan P. Kieffer); October, 568.

#### **AUTHORS**

##### **Barry, Desmond T. Jr.**

**A Practical Guide to the Ins and Outs of Multidistrict Litigation**; January, 58.

**Unlimited Liability: The New Ball Game in International Transportation by Air**; July, 381.

##### **Baxter, Michael J.**

**A Potent Weapon: Federal Peer Review Immunity under HCQIA**; July, 364.

##### **Baxter, Rosanne C.**

**Mass Tort Class Actions: Is the Tide Turning?** January, 67.

##### **Birnbaum, Shiela L.**

**Restatement Third, Torts: Products Liability: What Hath the ALI Wrought?** October, 501.

##### **Blakey, G. Robert**

**Civil and Criminal RICO: An Overview of the Statute and Its Operation**; January, 36.

**Blakey, John Robert**

Civil and Criminal RICO: An Overview of the Statute and Its Operation; January, 36.

**Brown, James T.**

Letter to the editor; October, 495.

**Brown, Jay B.**

Liability of Professionals to Non-clients: An Expanding and Tangling Web; October, 597.

**Capps, Gregory S.**

Liability of Stockbrokers: Claims for Churning and Unsuitability; October, 589.

**Curtin, Kenneth-Michael**

Redefining Public Policy in International Arbitration of Mandatory National Laws; April, 271.

**DeVries, Donald L.**

Back to the Future? Product Liability Class Actions and Proposed Rule 23 Changes; April, 195.

**Durgin, Robert E.**

Medtronic v. Lohr: Is There a Future for Preemption in Medical Device Cases? January, 45.

**Fagerberg, Richard E.**

Liability of Professionals to Non-clients: An Expanding and Tangling Web; October,

**Ferrini, James T.**

In the Wake of Kamilewicz: A Claim of Predatory Class Counsel Fees; October, 581.

**Fox, Reeder R.**

Riding the Choppy Waters of East River: Economic Loss Doctrine Ten Years Later; April, 260.

**Gallacher, Ian**

Back to the Future? Product Liability Class Actions and Proposed Rule 23 Changes; April, 195.

**Gallagher, Michael D.**

Liability of Stockbrokers: Claims for Churning and Unsuitability; October,

**Gore, George**

Anesthesia Practice: Avoiding Legal Liability; April, 235. President's Page; January, 5; April, 175; July, 337.

**Grimm, Michael R. Sr.**

In the Wake of Kamilewicz: A Claim of Predatory Class Counsel Fees; October, 581.

**Henderson, James A. Jr.**

Restatement Third, Torts: Products Liability: What Hath the ALI Wrought? October, 501.

**Hoch, William V.**

Using Case Law and Strategies to Defend Family and Medical Leave Act Claims; October, 534.

**Holczer, Ezra M.**

Boomer Revisited: Using Experimental and Partial Injunctions in Private Nuisance Actions; January, 99.

**Hollins, Janet**

An Imminent, Unidentifiable Victim: Does HIV Require a Duty to Warn? April, 214.

**Hummer, Paul M.**

Legal Issues in Electronic Commerce in the Insurance and Reinsurance Industry; April, 246.

**Kaplan, Harvey L.**

Restatement Third, Torts: Products Liability: What Hath the ALI Wrought? October, 501.

**Kieffer, Jonathan P.**

The Case for Across-the-board Application of the Loss-of-chance Doctrine; October, 568.

**Kim, Stephanie J.**  
Ethics and Professional Department; July, 447; October, 617.

**Langin, Daniel J.**  
Risk Identification, Management and Transfer for Cyberspace Businesses; January, 78.

**Larimore, Mary**  
Nold Discoverability of Document Management Systems: Pitfalls and How to Avoid Them; July, 369.

**Lee, Suzanne**  
Ethics and Professionalism Department; April, 295.

**Linder, Charles W. Jr.**  
Annual Survey of Fidelity and Surety Law, 1996—Part I; January 121; Part II; July, 424.

**Loftus, Patrick J.**  
Riding the Choppy Waters of East River: Economic Loss Doctrine Ten Years Later; April, 260.

**Mariani, Richard C.**  
Age Discrimination Litigation: RIFs, Statistics and Stray Remarks; January, 88.

**Marino, Paul J. (editor)**  
Reviewing the Law Reviews (department); January, 162; April, 322; July, 474; October, 644.

**Marmor, Randall I.**  
Annual Survey of Fidelity and Surety Law, 1996—Part I; January 121; Part II; July, 424.

**May, Ronald A.**  
Annual Survey of Fidelity and Surety Law, 1996—Part I; January 121; Part II; July, 424.

**McKenna, Keith**  
Dealing with Accountants and Auditors: Avoiding Sanctions in Complex Cases; July, 401.

**McKinney, John P.**  
Mass Tort Class Actions: Is the Tide Turning? January, 67.

**McMonigle, Joseph P.**  
A New Way to Go: Arbitration of Legal Malpractice Claims; July, 409.

**Messplay, Gary C.**  
Discoverability of Document Management Systems: Pitfalls and How to Avoid Them; July, 369.

**Muldowney, Timothy J.**  
Bad Faith Claims: The Role of the Expert; April, 226.

**Neff, Barbara C.**  
“Reasonable Accommodation” under the ADA: Employers’ Duties and Defenses; January, 110.

**Oh, Peter B.**  
Assessing Admissibility of Nonscientific Expert Evidence under Federal Evidence Rule 702; October, 556.

**O’Hare, Jean**  
Potential Discovery Abuses in Insurance Coverage Litigation; April, 285.

**Palmquist, Jonathon B.**  
Fraud and Its Effects on the Insurance Industry; January, 23.

**Parker, Bruce R.**  
Back to the Future? Product Liability Class Actions and Proposed Rule 23 Changes; April, 195.

**Patterson, Donald**  
Restatement Third, Torts: Products Liability: What Hath the ALI Wrought? October, 501.

**Penhallegon, John R.**  
Emerging Physician and Organization Liabilities under Managed Care; July, 347.

**Pope, Daniel J.**

Ethics and Professionalism Department; January, 138; April, 295; July, 447; October, 617.

**Pope, Helen Whatley**

Ethics and Professionalism Department; January, 138.

**Preuss, Charles F.**

President's Page; October, 489.

**Robertson, Kimberly E.**

Age Discrimination Litigation: RIFs, Statistics and Stray Remarks; January, 88.

**Robinson, Wm. T. (Bill)**

New Deep Pocket: Managed Care Entity Liability for Alleged Improper Denial of Access; July, 357.

**Rothschild, Gita F.**

Dealing with Accountants and Auditors: Avoiding Sanctions in Complex Cases; July, 401.

**Sauer, Roger P.**

Annual Survey of Fidelity and Surety Law, 1996—Part I; January 121; Part II; July, 424.

**Schrenk, Edward L.**

Fraud and Its Effects on the Insurance Industry; January, 23.

**Smith, Janet H.**

Anesthesia Practice: Avoiding Legal Liability; April, 235.

Increasing Fear of Future Injury Claims: When Speculation Carries the Day; October, 547.

**Snodgrass, Gary E.**

Defending Design Professionals: Is Contract Language an Adequate Shield? July, 389.

**Thomas, William S.**

Defending Design Professionals: Is Contract Language an Adequate Shield? July, 389.

**Urquhart, Quentin F. Jr.**

Medtronic v. Lohr: Is There a Future for Preemption in Medical Device Cases? January, 45.

**Weathers, Thomas**

A New Way to Go: Arbitration of Legal Malpractice Claims; July 409.

**Welbaum, R. Earl**

Annual Survey of Fidelity and Surety Law, 1996—Part I; January 121; Part II; July, 424.

**Whalen, Thomas J.**

Unlimited Liability: The New Ball Game in International Transportation by Air; July, 381.

**Wiechmann, Eric Watt**

Mass Tort Class Actions: Is the Tide Turning? January, 67.

**Wilson, Rebecca J.**

Using Case Law and Strategies to Defend Family and Medical Leave Act Claims; October, 534.

**Zupkus, Robert A.**

Bad Faith Claims: The Role of the Expert; April, 226.

**BOOKS AND ELECTRONIC MEDIA REVIEWED**

Controversy in Temporomandibular Disorders: Clinicians' Guide to Critical Thinking, by Allen J. Moses, D.D.S.; January 147.

Directive 85/374/EEC on Product Liability: Ten Years After, edited by Monique Goyens; January, 145.

Genetic Fingerprinting: The Law and Science of DNA, by Gerald Sheindlin; April, 302.

International Personal Injury Compensation Sourcebook and Yearbook 1996, edited by Dennis Campbell; April, 301.

Modern Reinsurance Law and Practice, by Barry R. Ostrager and Mary Kay Vyskocil; January, 147.

National Directory of Expert Witness (1997 edition); July, 454.

Overcoming Law, by Richard A. Posner; January, 144.

Reverse Mortgages: A Lawyer's Guide to Housing and Income Alternatives, edited by David A. Bridewell and Charles Nauts.

Tangible Evidence: How to Use Exhibits at Deposition and Trial, by Deanne C. Siemer; July, 454.

## REVIEWERS

### **Hodges, Christopher J.S.**

Directive 85/374/EEC on Product Liability: Ten Years After; January, 145.  
International Personal Injury Compensation Sourcebook and Yearbook 1996; April, 301.

### **Wick, William A.**

Overcoming Law; January 144.

